

EIGHTH DAY

(Wednesday, July 8, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Crump

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, Our Father, for these Senators, their constructive thinking and faithful performance of their duties. Forgive us our sins; take the broken fragments of our failures and make them as bread cast upon the waters, to be gathered up after many days. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Gonzalez.

Senate Resolution 44

Senator Krueger offered the following resolution:

Whereas, It is reliably reported that there now flourishes within this State and Nation an industry engaged in the sale and distribution of pornographic and semi-pornographic literature and material; and

Whereas, The chief victims of those engaged in this malicious and nefarious occupation are primarily our young teenagers, the citizens and leaders of tomorrow's America; and

Whereas, The sale and distribution of such lewd, lascivious, and suggestive material tends to undermine the high moral standards of our fine American youth, to foster juvenile delinquency, and to corrupt the high precepts and principles of common decency all God-fearing parents and youth leaders conscientiously strive to instill in today's youth; and

Whereas, The ever-increasing incidence of this threatening menace to the morals of our youth has been soundly denounced by such outstanding Americans as J. Edgar Hoover, an eminent authority on crime and its causes; and

Whereas, The widespread distribution of said material among our young people is repugnant to God-fearing, church-going parents everywhere and irreconcilable to the best future interests of this Nation; and

Whereas, An agency of the United States Government, The United States Post Office, created for the public good and supported by the taxpayer's dollars, is being used as a medium of distribution by those engaged in the distribution of this material; and

Whereas, Local postmasters are subject to follow the policy made at higher levels and, this policy appearing both timid and ineffectual, local postmasters have then been rendered relatively helpless in combating this awful threat to the morals of our youth; now, therefore, be it

Resolved, That this Legislature go on record as urging the United States Postal authorities to adopt a more vigorous and adequate policy to combat the distribution by mail of any such questionable material tending to corrupt the morals of our youth, and be it further

Resolved, That the Congress of the United States be requested to give prompt and proper legislative assistance to the Postal authorities in order that they might be capable of enforcing rigid and restrictive laws pertaining to the disposition of any material based upon carnality and sensualism, and be it further

Resolved, That all parents of youth receiving such material through the mails be advised to inform their local

postal authority immediately, and be it further

Resolved, That copies of this Resolution be forwarded to all members of the Texas delegation in the Congress of the United States, to the Postmaster General, and to J. Edgar Hoover.

KRUEGER
BAKER

The resolution was read and was adopted.

Senate Resolution 45

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. and Mrs. Sam M. Johnson and children, Reece, Martha and Kenneth, of Irving, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 46

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Alan Berry, and his son, Ronnie Berry, Mr. E. E. Voyles and his son, Danny Voyles, all prominent citizens of Iowa Park, Texas; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

Senate Resolution 47

Senator Herring offered the following resolution:

Whereas, We are honored today to have in our presence the lovely and charming Mrs. Herbert Beard of Austin, who has recently won fame for herself and for Texas in acquiring the titles of "Mrs. Austin" and "Mrs. Texas"; and

Whereas, She was chosen from among many beautiful, talented and conscientious homemakers throughout the State as being the most representative; and

Whereas, She went on to the "Mrs. America" contest which was recently held in Florida, representing our great State, and was in the top fifteen finalists from among many contestants from across the Nation, winning several individual "crowns" for specific talents; and

Whereas, Mrs. Beard is an attractive mother of two boys, Stephen and Larry, is a Sunday School teacher in Hyde Park Baptist Church, a soloist in the choir, an accomplished designer and seamstress, and in many other ways deserving of the honors bestowed upon her; and

Whereas, The Lone Star State is proud to have had Mrs. Beard represent her in the "Mrs. America" finals; now, therefore, be it

Resolved by the Senate of Texas, That it join with the many friends and admirers of Mrs. Beard in congratulating her on being recognized as "Mrs. Austin" and "Mrs. Texas" and in commending her public spirited contributions to her family, community, city and State; and be it further

Resolved, That Mrs. Beard be welcomed as a guest in the Senate Chamber, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to her by the Secretary of the Senate.

The resolution was read and was adopted.

The President appointed Senators Herring, Secrest and Colson to escort Mrs. Beard to the President's Rostrum.

The President presented Senator Herring and he presented "Mrs. Texas" to the Senate.

Mrs. Beard addressed the Senate, expressing appreciation for being asked to address the Senate and for the honor of representing the State of Texas.

Reports of Standing Committees

Senator Weinert submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Krueger submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 35, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senate Bill 11 Ordered Not Printed

On motion of Senator Martin and by unanimous consent S. B. No. 11 was ordered not printed.

Senate Bill 11 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 11, A bill to be entitled "An Act to authorize the North Bosque Water Control and Improvement District to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood-water retarding structures and dams in the District constructed by the District; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 11 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that S. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Moore

Wood

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Moore

Wood

Absent—Excused

Crump

Senate Resolution 48

Senator Roberts offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Don V. Geppert and Mrs. Geppert of San Jose, California; and

Whereas, Mr. Geppert is the son of W. V. Geppert, executive assistant Attorney General of Texas; and

Whereas, Don attended the University of Texas and received a B.S. Degree in Electrical Engineering at the age of nineteen, and an M.S. Degree in Electrical Engineering in 1948; and

Whereas, He taught Electrical Engineering at the University of Texas for three years and at the University of Arkansas for two years; and

Whereas, He is now engaged in National Defense Projects in the Electronics Research Laboratories of the Sylvania Corporation; and

Whereas, Don at the age of twenty-three wrote a textbook on electronics that has been adopted by numerous universities in the United States and foreign countries; and

Whereas, We desire to welcome this distinguished educator, scientist and author to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That his presence be recognized and that we extend to him a cordial welcome, and that a copy of this resolution, bearing the official seal of the Senate, be sent to him in appreciation of his visit.

ROBERTS
HERRING

The resolution was read and was adopted.

Senator Roberts by unanimous consent, presented the guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 48, An Act relating to the requirement of consent of parent or guardian of certain parties before said parties may marry or a marriage license be issued to them and relating further to the issuance of marriage licenses by the county clerk after a prescribed period of three (3)

days from the date of the filing of the application; amending Article 4605, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act amending Section 1 of Senate Bill 286, Chapter 240, Acts of the 56th Legislature, Regular Session, 1959, so as to redefine certain waters of Matagorda Bay and the Gulf of Mexico in which it is unlawful to use certain nets and other devices for catching fish and shrimp; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 36 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 36, A bill to be entitled "An Act to further amend Chapter 78, Acts of the Regular Session of the 53rd Legislature (Vernon's Texas Statutes Article 8280-147) creating Northeast Texas Municipal Water District, and declaring an emergency."

To the Committee on Water and Conservation.

Senate Resolution 49

Senator Owen offered the following resolution:

Whereas, Miss Nancy Bower, an outstanding beauty from Crane, Texas, was recently crowned "Miss West Texas" in a beauty pageant sponsored by the Junior Chamber of Commerce of Odessa, Texas, during its annual 4th of July Celebration, and

Whereas, This young Texas beauty, who was sponsored by the B & H Electric Company of Crane, Texas, was chosen from a number of lovely and talented young ladies; now, therefore, be it

Resolved, That the Senate of Texas extend to her congratulations for the fine sportsmanship she exhibited and upon the honors to which she is so justly entitled and hereby convey to her our best wishes for a most happy and successful future.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 34, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 59, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 59 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 59 was ordered not printed.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
July 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 33, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 36, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Bills 35, 33 and 34 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. Nos. 35, 33 and 34 were ordered not printed.

Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 40, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Bill 36 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. B. No. 36 was ordered not printed.

House Bill 29 Ordered Not Printed

On motion of Senator Lane and by unanimous consent H. B. No. 29 was ordered not printed.

Senate Resolution 50

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate The

Honorable Edward Southerland and his son, Mike Southerland, both of Bonham, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented the guests to the Members of the Senate.

Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
July 8, 1959.

To the Members of the Fifty-sixth Legislature, Second Called Session:

I hereby submit as additional subjects for consideration in this Second Called Session the following legislation:

1. Reorganization of the Texas Merit System Council.

2. Authorization for Commissioners Courts to build and equip coliseums and auditoriums.

Respectfully submitted,
PRICE DANIEL,
Governor.

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 56, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

House Bill 56 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent H. B. No. 56 was ordered not printed.

Senate Resolution 51

Senator Herring offered the following resolution:

Whereas, Raymond Brooks, Dean of the Capitol Press Corps, this day, July 8, 1959, observes the sixty-fifth milestone in his long and successful career as a political and State house reporter; and

Whereas, Mr. Brooks has been intimately connected with and has contributed much to the betterment of State government since 1917 when he came to the State Capitol as assistant secretary to Governor W. P. Hobby; and

Whereas, Mr. Brooks during his career has served well in several State government capacities including Parliamentarian of the Texas State Senate; Secretary of the Board of Managers in 1921 of the Texas State Railroad, as Director and Secretary for twelve years of the Lower Colorado River Authority, and has found additional time to serve his community in many civic posts including vice president and director of the Austin Chamber of Commerce; and

Whereas, Mr. Brooks, an officer in the United States Army in 1917, has been an active participant and holds the rank of Colonel in the Texas State Guard; and

Whereas, Mr. Brooks' first newspaper assignment as a reporter was to cover a Fourth of July speech by then United States Senator Joseph Weldon Bailey, and since that time he has covered the State and national scene for various newspapers, and for the past thirty-seven years the Austin American and Austin Statesman and other papers owned by Newspapers, Inc.; and

Whereas, Mr. Brooks' outstanding contributions to State government through his newspaper writings and editorials have won such recognition as the State Bar of Texas Citation for Distinguished Reporting, and the Texas Heritage Foundation's Distinguished Service Medal; now, therefore, be it

Resolved, That the Texas Senate of this the Fifty-sixth Legislature congratulates Mr. Brooks upon his sixty-fifth birthday and commends him for his extraordinary ability and outstanding contributions to a better understanding of the problems of State government, and further expresses the sincere hope that his friendly manner and jaunty step will continue

to grace the green carpet of the Senate floor for many years to come.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

The President appointed Senators Herring, Aikin and Krueger to escort Mr. Brooks to the President's Rostrom.

The President presented Senator Herring and he presented Mr. Brooks to the Senate.

Mr. Brooks addressed the Senate expressing appreciation for the honor bestowed upon him and related some of the problems that had confronted the Senate in his long years of service in covering the activities of the Senate.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
July 8, 1959.

To the Senate of the Fifty-sixth Legislature, Second Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Dental Examiners, for six-year terms to expire May 24, 1965: Dr. Sam H. Rabon of Kingsville, Kleberg County; Dr. Roy F. McCasland of Tulia, Swisher County.

To be Firemen's Pension Commissioner, for a two-year term to expire July 1, 1961: Mrs. Marie Hudson of Austin, Travis County.

To be Pecos River Compact Com-

missioner, for a two-year term to expire May 27, 1961: J. C. Wilson of Pecos, Reeves County.

To be members of the State Board of Pharmacy, for six-year terms to expire June 14, 1965: Leon L. Kahane of Hallettsville, Lavaca County; William H. Wood of Midland, Midland County.

To be Rio Grande Compact Commissioner, for a two-year term to expire July 16, 1961: Louis A. Scott of El Paso, El Paso County.

To be Director-at-Large of the Tri-County Municipal Water District, for a two-year term to expire July 22, 1961: Dr. Silas Grant of Hillsboro, Hill County.

To be Commissioners of Pilots for the Port of Galveston and Texas City, for two year terms to expire April 15, 1961: M. L. Waugh of Texas City, Galveston County; John H. McCray of Galveston, Galveston County; W. P. Tarpey, Jr., of Texas City, Galveston County; David C. Leavell of Galveston, Galveston County; A. V. Stjepcevic of Galveston, Galveston County.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

Senate Resolution 52

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Paul Wood, Jr., and children, Eric and Mardell, of Deport, Lamar County; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 49, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 29 on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 29, An Act to authorize and direct the Game and Fish Commission to negotiate and make reciprocal agreements to allow sport and commercial fishermen to fish and sportsmen to hunt migratory water fowl on lakes and rivers located upon a common boundary with another state, allowing reciprocal agreements on license with other states, etc., and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 29 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Bradshaw	Moore
Colson	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Baker

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Crump

House Bill 40 Ordered Not Printed

On motion of Senator Fly and by unanimous consent H. B. No. 40 was ordered not printed.

House Bill 59 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 59, A Bill to be entitled "An Act fixing the minimum and maximum salaries of certain officials in Dallas County, Texas, etc., and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 59, Section 8, Paragraph (a), line 12, page 2, by striking out the words and figures "Ten Thousand, Six Hundred Dollars (\$10,600)," and insertng in lieu there-

of the words and figures "Eleven Thousand Dollars (\$11,000)"; and by striking out of lines 17 and 18, page 2, the words and figures "Eight Thousand, Two Hundred Dollars (\$8,200)," and inserting in lieu thereof the words and figures "Ten Thousand Dollars (\$10,000)."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Votes

Senators Hardeman, Martin and Fly asked to be recorded as voting "Nay" on the passage of H. B. No. 59 to third reading.

House Bill 59 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moore
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—3

Fly	Martin
Hardeman	

Present—Not Voting

Baker

Absent

Moffett	Secrest
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Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—23

Aikin	Parkhouse
Bradshaw	Phillips
Colson	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Owen	

Nays—5

Dies	Martin
Fly	Moffett
Hardeman	

Present—Not Voting

Baker

Absent

Moore

Absent—Excused

Crump

House Bill 56 on Second Reading

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 56, A bill to be entitled "An Act relating to the taking or catching of catfish from the waters of the Trinity River in Chambers County, excluding certain waters, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 56 on Third Reading

Senator Phillips moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent

Moore

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent

Moore

Absent—Excused

Crump

House Bill 40 on Second Reading

On motion of Senator Fly and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 40, A bill to be entitled

"An Act authorizing the Board of Water Engineers to grant water permits in certain counties for between 200 acre feet and 800 acre feet, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

(Senator Martin in the Chair.)

House Bill 40 on Third Reading

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

Absent

Moore

Absent—Excused

Crump

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Dies	Lane
Fly	Martin
Fuller	Moffett
Gonzalez	Owen
Hazlewood	Parkhouse

Phillips	Secrest
Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood

Nays—1

Hardeman

Absent

Moore

Absent—Excused

Crump

Senate Bill 33 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 33, A bill to be entitled "An Act amending Article IV, House Bill No. 20, Acts of the 47th Legislature, 1941, Chapter 173, page 245 (being Article IV, Section 22 of Article 6687b, Vernon's Annotated Civil Statutes of Texas, 1925, as amended), by adding a new subsection (c) under subsection (b) thereof, and providing for the manner of appeals and the setting aside of the ruling or decision of the Department of Public Safety where driver's licenses are suspended, under certain conditions; prohibiting the taking of driver's licenses except by order of a court of competent jurisdiction; providing for appeals to be made to the county court or county court at law of the residence of the licensee; prohibiting the suspension of a license pending appeal; providing for setting aside any order of suspension; providing for priority and the advancement of appeals on court dockets; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Question—Shall S. B. No. 33 be passed to engrossment?

Bill Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 14, A bill to be entitled "An Act amending Section 1 of Senate Bill 286, Chapter 240, Acts of the

56th Legislature, 1959, so as to redefine certain waters of Matagorda Bay and the Gulf of Mexico in which it is unlawful to use certain nets and other devices for catching fish and shrimp; and declaring an emergency."

At Ease

On motion of Senator Phillips and by unanimous consent the Senate at 11:28 o'clock a.m. agreed to stand At Ease until 11:50 o'clock a.m. today.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:50 o'clock a.m. today.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 7, Granting permission to J. W. Doremus, et al. to sue the State of Texas.

Senate Resolution 53

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Mrs. John W. Pulliam of Austin and Mrs. John Dudley of Houston; and

Whereas, The presence of these fine people is evidence of their interest in better citizenship and governmental affairs. They are seeking to broaden their experience by a visit to the Capitol Building and Capital City; and

Whereas, We are delighted that these good citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them in recognition and appreciation of their visit.

COLSON
HERRING
BAKER

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the guests to the Members of the Senate.

Leave of Absence

Senator Martin was granted leave of absence for the remainder of the day on account of important business on motion of Senator Kazen.

Senate Bill 33 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 33 on its second reading and passage to engrossment.

Question—Shall S. B. No. 33 be passed to engrossment?

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 33 by striking out all of the last paragraph of Section 1 thereof and inserting in lieu thereof the following:

"Pending final determination of the appeal, the license shall not be deemed suspended and any suspension order by the Department is itself suspended and is hereby set aside and nullified pending appeal except as may be hereinafter provided. The courts in which such appeals are pending shall give priority to the setting of such appeals for hearing. If such licensee has not filed suit within 30 days after the date of notice by registered mail of the suspension of such license, as provided herein, then the final ruling of the Department suspending such license shall become final; but if said suit has been filed within said 30 day period, then such licensee shall exercise all diligence in prosecuting his appeal to a final determination thereof, and shall, if necessary, mandamus the court in which said appeal is pending to hear said appeal for the purpose of having a final determination. Unless said appeal has been finally determined within 90 days from the date of notice by registered mail of the suspension of such license from the Department, said licensee shall be guilty of a lack of diligence in obtaining a final determination thereof, and the decision of the Department suspending such license shall become final; provided, however, that if the licensee has filed a suit to mandamus the court to hear said appeal within 70 days from the date of the

notice by registered mail suspending such license by the Department, and there still has been no final determination thereof, then the filing of such suit for mandamus shall be evidence of diligence on the part of the licensee, in which case the final determination of said appeal may be extended for an additional period of 60 days, but in no event shall the final determination of said appeal be extended for a period of time longer than 150 days from the date of notice by registered mail of the suspension of such license from the Department. It shall be the duty of the court in which said appeal is pending to advance said appeal for hearing and trial at the earliest possible date to the end that the licensee may have a final determination of his appeal under the provisions hereof. The Department shall be represented in such appeals in the county in which the hearing is held by the County Attorney or other prosecuting attorney who represents the State in said county in misdemeanor criminal cases, and in his absence by the District Attorney or Criminal District Attorney. The Court shall require copies of the petition of appeal and all other pertinent documents in the case to be sent to the attorney representing the Department."

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 33 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hardeman
Baker	Hazlewood
Colson	Herring
Dies	Hudson
Fly	Kazen
Fuller	Krueger
Gonzalez	Lane

Moffett	Roberts
Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Willis
Ratliff	Wood
Reagan	

Nays—2

Bradshaw	Weinert
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Absent—Excused

Crump	Martin
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

Record of Vote

Senator Bradshaw asked to be recorded as voting "Nay" on the final passage of S. B. No. 33.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 48, To the Committee on Jurisprudence.

Senate Bill 36 on Second Reading

Senator Aikin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 36 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Crump	Martin
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The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 36, A bill to be entitled "An Act to further amend Chapter 78, Acts of the Regular Session of the 53rd Legislature (Vernon's Texas Statutes Article 8280-147) creating North-East Texas Municipal Water District, and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 36 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 36 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Crump	Martin
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Senate Bill 37 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Bradshaw:

S. B. No. 37, A bill to be entitled "An Act amending Articles 1.02, 1.03, Sections (b), (d), and (e) of Article 1.04, Articles 1.05, 1.06 and 1.09 of

the Insurance Code, same being Acts of the 52nd Legislature, Regular Session (1951), Chapter 491, page 868, as last amended by Acts of the 55th Legislature, Regular Session (1957), Chapter 499, page 1454; repealing all laws and parts of laws in conflict with the provisions of this act to the extent of such conflict only; providing for a severability and savings clause as to any invalid provisions of this act, and declaring an emergency."

To the Committee on Insurance.

Adjournment

On motion of Senator Hardeman the Senate at 12:18 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

NINTH DAY

(Thursday, July 9, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We pray, Our Father, that Thou wilt supplement our knowledge with Thy wisdom. The problems of this Senate and the world are too big for finite minds. Teach us that it is not

by might, nor by power, but by Thy spirit, we are to find rest from our labors. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Rogers was granted leave of absence for today in order that he might assume his duties as Governor-for-the-Day on motion of Senator Aikin.

Senate Resolution 54

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate former Senator Ben G. Oneal and Mrs. Oneal, both prominent citizens of Wichita Falls, and

Whereas, The Honorable Ben G. Oneal served in the Texas Senate from 1931 to 1939, and was Acting Governor of the State for a brief period in 1937, and is now a prominent practicing attorney in Wichita Falls, and

Whereas, Mrs. Ben G. Oneal is a prominent civic leader in Wichita Falls, being the dean of the former presidents of the Wichita Falls Woman's Forum, and also a past State President of the Texas Garden Clubs, Incorporated, and

Whereas, We desire to welcome these distinguished Texas citizens to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented former Senator Oneal to the Members of the Senate.

Senate Resolution 56

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Lowell